

From: Tosh Cooley
To: Microsoft ATR
Date: 12/8/01 1:14pm
Subject: Microsoft Settlement.

Dear Renata B. Hesse,

As an American and a Canadian I am particularly fortunate to live in a time of great prosperity and opportunity. This has all been brought to us by our system of democratic capitalism, which rewards hard work and ingenuity.

Karl Marx, a great philosopher, once said (paraphrased) "capitalism left to it's own devices tends towards monopoly", which like communism is the antithesis of our great system of democratic capitalism.

Microsoft has been found guilty of having a monopoly (not a crime in itself) and abusing it's monopoly power. For this it should be punished, not slapped on the wrist. Many of the proposed settlements in the case, both the DOJ and class-actions, are inconsistent with a message of punishment. As a resolution to the class-action suits, Microsoft proposes giving away \$1 billion of computers to schools, with an over-inflated value of it's software attached to this. Schools are a strong market for competitors of Microsoft so it's hard to see how this is a punishment. In the DOJ case against Microsoft part of the settlement says:

Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

Products like Linux and Apache are some of the fiercest competitors to Microsoft. These products are made up of groups of far-flung individuals, not companies or businesses. So when the language of the settlement helps entrench Microsoft against it's strongest competitors, it's hard to see how this proposed settlement will help the competitive landscape which Microsoft has so abused in the past.

It would be very easy to be cynical and note that Microsoft is one of the wealthiest entities in the world, and they are just buying their way out of punishment (some would say being punished into a stronger market position) but most people have faith in the political and social/economic system which sees us where we are, but if our system can't rectify such an obvious breach of economic order then were does that leave us?

Please do not slap Microsoft on the wrist, competition is what makes us great, and for the people, you and I and everyone else, there is NO such thing as too much competition in the marketplace.

Thank-you for making this opportunity to express myself available.

McIntosh Cooley

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